

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

JOHN LEE MALAER,

Plaintiff,

vs.

GEOFFREY KIRKPATRICK, an individual;
MICHAEL WULFF, an individual; OMAR
ESQUEDA, an individual; ASHLEY MCFALL,
an individual; CITY OF MEDFORD, a
government agency; JACKSON COUNTY, a
government agency; NATHAN SICKLER, in
his individual and official capacity; and BRIAN
KOLKEMO, an individual,

Defendants.

Case No. 1:20-cv-00049-CL

**ORDER FOR DEPOSITION OF
PLAINTIFF JOHN LEE MALAER**

This case comes before the Court on Plaintiff's request for a protective order regarding the number, scope, location, and duration of the proposed depositions of Plaintiff John Lee Malaer by the City and County Defendants, Defendants' request for an order compelling Plaintiff's deposition(s), and generally with the parties in disagreement about the details surrounding the deposition.

ORDER

Plaintiff's request for a protective order is GRANTED IN PART and DENIED IN PART and Defendants' request for an order compelling Plaintiff's deposition is GRANTED on the following terms:

1. Plaintiff's deposition is ordered to occur on December 19, 2022 in Brookings, Oregon at City Hall and in Council Chambers located at 898 Elk Drive, Brookings, Oregon, 97415.
2. Plaintiff is ordered to appear in person for his deposition.
3. Plaintiff was previously deposed in this matter on two occasions, once by City Defendants' counsel and once by County Defendants' counsel. Plaintiff's deposition on December 19, 2022, will begin at 8:30 a.m. and the total deposition time will be **8 hours**, shared between City and County Defendants. Defendants and their counsel shall, to the extent practicable in light of new allegations in the Amended Complaint, seek to avoid duplicating lines of questioning already asked and answered in Plaintiff's prior depositions.
4. The Court expects the parties and their attorneys to conduct themselves with a high level of professionalism, respect, and courtesy, including allowing Plaintiff to take breaks as needed throughout the deposition.

IT IS SO ORDERED and DATED this 9 day of December 2022



HON. MARK D. CLARKE
United States Magistrate Judge